

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT

2007 JAN 19 A 8:28

CLERK *L. Zeller*
SO. DIST. OF GA.

CHARLES FITZGERALD DAVIS,

Petitioner,

v.

CV 106-043

RANDY TILLMAN, Warden,

Respondent.

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Respondent's motion to dismiss (doc. no. 10) is **DENIED**. Respondent should file his brief on the merits of the petition or refile his motion to dismiss with current information within thirty (30) days of the date of this Order

SO ORDERED this 19th day of January, 2007, at Augusta, Georgia.

Randy Tillman
UNITED STATES DISTRICT JUDGE